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## ***16 USCS § 6401***

### **TITLE 16. CONSERVATION CHAPTER 83. CORAL REEF CONSERVATION**

#### **16 USCS § 6401 (2001)**

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#### **§ 6401. PURPOSES.**

The purposes of this title are--

- (1) to preserve, sustain, and restore the condition of coral reef ecosystems;
- (2) to promote the wise management and sustainable use of coral reef ecosystems to benefit local communities and the Nation;
- (3) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems;
- (4) to assist in the preservation of coral reefs by supporting conservation programs, including projects that involve affected local communities and nongovernmental organizations;
- (5) to provide financial resources for those programs and projects; and
- (6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

#### **§ 6402. NATIONAL CORAL REEF ACTION STRATEGY.**

(a) IN GENERAL- Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Resources of the House of Representatives and publish in the Federal Register a national coral reef action strategy, consistent with the purposes of this title. The Administrator shall periodically review and revise the strategy as necessary. In developing this national strategy, the Secretary may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998).

(b) GOALS AND OBJECTIVES- The action strategy shall include a statement of goals and objectives as well as an implementation plan, including a description of the funds obligated each fiscal year to advance coral reef conservation. The action strategy and implementation plan shall include discussion of--

- (1) coastal uses and management;
- (2) water and air quality;
- (3) mapping and information management;
- (4) research, monitoring, and assessment;
- (5) international and regional issues;

- (6) outreach and education;
- (7) local strategies developed by the States or Federal agencies, including regional fishery management councils; and
- (8) conservation, including how the use of marine protected areas to serve as replenishment zones will be developed consistent with local practices and traditions.

**§ 6403. CORAL REEF CONSERVATION PROGRAM.**

- (a) GRANTS- The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs (hereafter in this title referred to as 'coral conservation projects'), for proposals approved by the Administrator in accordance with this section.
- (b) MATCHING REQUIREMENTS-
  - (1) 50 percent- Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.
  - (2) WAIVER- The Administrator may waive all or part of the matching requirement under paragraph (1) if the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.
- (c) ELIGIBILITY- Any natural resource management authority of a State or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or coral reef ecosystems, or educational or nongovernmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal under subsection (e).
- (d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY- The Administrator shall ensure that funding for grants awarded under subsection (b) during a fiscal year are distributed in the following manner:
  - (1) No less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.
  - (2) No less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.
  - (3) Remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator. When identifying emerging threats or priorities, the Administrator may consult with the Coral Reef Task Force.

(e) PROJECT PROPOSALS- Each proposal for a grant under this section shall include the following:

- (1) The name of the individual or entity responsible for conducting the project.
- (2) A description of the qualifications of the individuals who will conduct the project.
- (3) A succinct statement of the purposes of the project.
- (4) An estimate of the funds and time required to complete the project.
- (5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.
- (6) Information regarding the source and amount of matching funding available to the applicant.
- (7) A description of how the project meets one or more of the criteria in subsection (g).
- (8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL-

- (1) IN GENERAL- The Administrator shall review each coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).
- (2) REVIEW; APPROVAL OR DISAPPROVAL- Not later than 6 months after receiving a project proposal under this section, the Administrator shall--

- (A) request and consider written comments on the proposal from each Federal agency, State government, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;
- (B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;
- (C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and
- (D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States and other government jurisdictions that provided comments under subparagraph (A).

(g) CRITERIA FOR APPROVAL- The Administrator may not approve a project proposal under this section unless the project is consistent with the coral reef action strategy under section 203 and will enhance the conservation of coral reefs by--

- (1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reefs;
- (2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;
- (3) enhancing compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;
- (4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, including factors that cause coral disease;
- (5) promoting and assisting to implement cooperative coral reef conservation projects that involve affected local communities, nongovernmental organizations, or others in the private sector;
- (6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long term conservation;
- (7) mapping the location and distribution of coral reefs;
- (8) developing and implementing techniques to monitor and assess the status and condition of coral reefs;
- (9) developing and implementing cost-effective methods to restore degraded coral reef ecosystems; or
- (10) promoting ecologically sound navigation and anchorages near coral reefs.

(h) PROJECT REPORTING- Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE- The Administrator may consult with the Coral Reef Task Force to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES- Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with State, regional, and local entities involved in setting priorities for conservation of coral reefs and provide for appropriate public notice and opportunity for comment.

#### **§ 6404. CORAL REEF CONSERVATION FUND.**

(a) FUND- The Administrator may enter into an agreement with a nonprofit organization that promotes coral reef conservation authorizing such organization to receive, hold, and administer funds received pursuant to this section. The organization shall invest, reinvest, and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors

that further the purposes of this Act and are consistent with the national coral reef action strategy under section 203.

(b) AUTHORIZATION TO SOLICIT DONATIONS- Pursuant to an agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold, administer, and use any gift to further the purposes of this title. Any moneys received as a gift shall be deposited and maintained in the Fund established by the organization under subsection (a).

(c) REVIEW OF PERFORMANCE- The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section and the national coral reef action strategy under section 203.

(d) ADMINISTRATION- Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the organization by private persons and State and local government agencies.

## **§ 6405. EMERGENCY ASSISTANCE.**

The Administrator may make grants to any State, local, or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster-related circumstance pertaining to coral reefs or coral reef ecosystems.

## **§ 6406. NATIONAL PROGRAM.**

(a) IN GENERAL- Subject to the availability of appropriations, the Secretary may conduct activities to conserve coral reefs and coral reef ecosystems, that are consistent with this title, the National Marine Sanctuaries Act, the Coastal Zone Management Act of 1972, the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act of 1973, and the Marine Mammal Protection Act of 1972.

(b) AUTHORIZED ACTIVITIES- Activities authorized under subsection (a) include--

- (1) mapping, monitoring, assessment, restoration, and scientific research that benefit the understanding, sustainable use, and long-term conservation of coral reefs and coral reef ecosystems;
- (2) enhancing public awareness, education, understanding, and appreciation of coral reefs and coral reef ecosystems;
- (3) providing assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources; and
- (4) cooperative conservation and management of coral reefs and coral reef ecosystems with local, regional, or international programs and partners.

## **§ 6407. EFFECTIVENESS REPORTS.**

(a) GRANT PROGRAM- Not later than 3 years after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that documents the effectiveness of the grant program under section 204 in meeting the purposes of this title. The report shall include a State-by-State summary of Federal and non-Federal contributions toward the costs of each project.

(b) NATIONAL PROGRAM- Not later than 2 years after the date on which the Administrator publishes the national coral reef strategy under section 203 and every 2 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement that strategy, under section 203, including a description of the funds obligated each fiscal year to advance coral reef conservation.

## **§ 6408. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL- There are authorized to be appropriated to the Secretary to carry out this title \$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004, which may remain available until expended.

(b) ADMINISTRATION- Of the amounts appropriated under subsection (a), not more than the lesser of \$1,000,000 or 10 percent of the amounts appropriated, may be used for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

(c) CORAL REEF CONSERVATION PROGRAM- From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for coral reef conservation activities under section 204.

(d) NATIONAL CORAL REEF ACTIVITIES- From the amounts appropriated under subsection (a), there shall be made available to the Secretary \$8,000,000 for each of fiscal years 2001, 2002, 2003, and 2004 for activities under section 207.

## **§ 6409. DEFINITIONS.**

In this title:

- (1) ADMINISTRATOR- The term `Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.
- (2) CONSERVATION- The term `conservation' means the use of methods and procedures necessary to preserve or sustain corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; mapping; habitat monitoring; assistance in the

development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; community outreach and education; and that promote safe and ecologically sound navigation.

(3) **CORAL** - The term '**coral**' means species of the phylum Cnidaria, including--

- (A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyonacea (soft corals), and Coenothecalia (blue **coral**), of the class Anthozoa; and
- (B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

(4) **CORAL REEF**- The term '**coral** reef' means any reefs or shoals composed primarily of corals.

(5) **CORAL REEF ECOSYSTEM**- The term '**coral** reef ecosystem' means **coral** and other species of reef organisms (including reef plants) associated with **coral** reefs, and the nonliving environmental factors that directly affect **coral** reefs, that together function as an ecological unit in nature.

(6) **CORAL PRODUCTS**- The term '**coral** products' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (3).

(7) **SECRETARY**- The term '**Secretary**' means the Secretary of Commerce.

(8) **STATE**- The term '**State**' means any State of the United States that contains a **coral** reef ecosystem within its seaward boundaries, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands, and any other territory or possession of the United States, or separate sovereign in free association with the United States, that contains a **coral** reef ecosystem within its seaward boundaries.